

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Julie E. Smith is an administrative assistant at DH Smith Company, Inc., located in San Jose.

In 2002, during the first semi-annual campaign reporting period January 1, 2002 through June 30, 2002, Respondent Julie E. Smith made a \$10,000 political contribution, and thereby qualified as a “major donor committee” under the Political Reform Act (the “Act”).<sup>1</sup> As such, Respondent was required to comply with specified campaign reporting provisions of the Act.

As a major donor committee, Respondent was required by the Act to file a semi-annual campaign statement, commonly known as a “major donor statement,” disclosing Respondent’s campaign activity during the period January 1, 2002 through June 30, 2002. Respondent committed a violation of the Act by failing to timely file that semi-annual campaign statement.

For the purposes of this Stipulation, Respondent’s violation is stated as follows:

Respondent Julie E. Smith failed to file a semi-annual campaign statement, by the July 31, 2002 due date, for the reporting period January 1, 2002 through June 30, 2002, in violation of section 84200, subdivision (b) of the Government Code.

### **SUMMARY OF THE LAW**

An express purpose of the Act, as set forth in section 81002, subdivision (a), is to ensure that the contributions and expenditures affecting election campaigns are fully and truthfully disclosed to the public, so that voters may be better informed, and improper practices may be inhibited. To that end, the Act sets forth a comprehensive campaign reporting system designed to accomplish this purpose of disclosure.

Section 82013, subdivision (c) includes within the definition of “committee” any person or combination of persons who directly or indirectly makes contributions, including loans, totaling ten thousand dollars (\$10,000) or more in a calendar year to, or at the behest of, candidates or committees. This type of committee is commonly referred to as a “major donor” committee.

Section 84200, subdivision (b) requires a major donor committee to file a semi-annual

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

campaign statement for any reporting period in which the committee made campaign contributions. The first semi-annual campaign statement covers the reporting period January 1 to June 30, and must be filed by July 31. The second semi-annual campaign statement covers the reporting period July 1 to December 31, and must be filed by January 31 of the following year.

Section 84215, subdivision (a) requires all major donor committees that make contributions supporting or opposing state candidates, measures, or committees to file their campaign statements with the offices of the Secretary of State, the Registrar-Recorder of Los Angeles County, and the Registrar of Voters of the City and County of San Francisco.

### **SUMMARY OF THE FACTS**

On June 3, 2002, Respondent Julie E. Smith made a \$10,000 campaign contribution to the Governor Gray Davis Committee. By making this \$10,000 contribution, Respondent qualified as a major donor committee under section 82013, subdivision (c).

Having qualified as a major donor committee, Respondent Julie E. Smith had a duty, under section 84200, subdivision (b), to file a semi-annual campaign statement for the reporting period January 1, 2002 through June 30, 2002, disclosing her June 3, 2002 contribution to the Governor Gray Davis Committee. Respondent was required to file the statement at all of the locations specified in section 84215, subdivision (a), including the Office of the Secretary of State, by July 31, 2002. However, Respondent failed to file a semi-annual campaign statement by the July 31, 2002 due date, in violation of section 84200, subdivision (b).

Enforcement Division staff subsequently contacted Respondent Julie E. Smith on three separate occasions regarding her failure to file a semi-annual campaign statement for the reporting period January 1, 2002 through June 30, 2002. Despite those contacts, Respondent's delinquent semi-annual campaign statement remained un-filed. However, as a condition of this stipulated settlement, Respondent has since filed the delinquent semi-annual campaign statement.

### **CONCLUSION**

This matter consists of one count, which carries a maximum possible administrative penalty of Five Thousand Dollars (\$5,000).

Although this matter could have been resolved through the Enforcement Division's Streamlined Major Donor Enforcement Program for a penalty of no more than \$1,500, this matter was excluded from the program when Respondent declined to reach an early resolution of the matter through that program.

The administrative penalty imposed for major donor filing violations resolved outside of the Streamlined Major Donor Enforcement Program has historically been determined on a case-by-case basis, and has varied depending on the mix of aggravating and mitigating circumstances.

In this case, Respondent's violation is aggravated by the fact that it required three contacts by the Enforcement Division in order to prompt her to file the delinquent statement, and the additional efforts of an Enforcement Division attorney to arrive at a stipulated settlement. Therefore, a penalty higher than that which would have been imposed under the streamlined program is appropriate. However, Respondent was a first-time major donor, and has attributed her violation to a lack of understanding of her filing requirements. In light of these factors, a penalty approximating the middle of the penalty range is appropriate.

The facts of this case therefore justify imposition of the agreed upon penalty of Two Thousand Dollars (\$2,000).